

DECLARATION OF Ex. 6 Personal Privacy (PP)

Pursuant to 28 U.S.C. § 1748, I declare under penalty of perjury that the subsequent is true and correct:

1. My name is Ex. 6 Personal Privacy (PP) I am a Ex. 6 Personal Privacy (PP) Black resident of the Ashurst Bar/Smith community in Tallassee, Alabama. I was born in 1952 and thereafter raised in this community. I was employed by the U.S.D.A. Forest Service from 1975 – 2000 and retired from civil Service in 2010. Currently, I work as an Instructor of Forestry at the Tuskegee University Department of Agricultural and Environmental Sciences. I also am a pastor.
2. The Ashurst Bar/Smith is an unincorporated community that is predominantly African American and is located at the southernmost tip of Tallapoosa County, Alabama and adjacent to the northern Macon County border.
3. I live at Ex. 6 Personal Privacy (PP) about half a mile from the Stone's Throw Landfill. I built the house that I live in in 2004 on the same land where I was raised. I have lived on this land all of my life except for the periods between 1973 and 1979 (6 years), and 1981 and 2000 (19 years) when I lived away for education and civil service employment. Even when I lived away during these periods, the property on Ex. 6 Personal Privacy (PP) remained in my family and I considered it my home.
4. I returned to the Ashurst Bar/Smith community in 2000 to help my parents, Ex. 6 Personal Privacy (PP) and joined them in their more than 10-year fight to defend my family's property and quality of life and that of other community members from continuing to be encroached on, devalued, and diminished by the Landfill. Indeed, my parents were among the earliest opponents to the Landfill in our community.
5. Our community has been actively fighting the intrusion of the Landfill since at least the mid-1980s.
6. Today, I live with my wife, who is Ex. 6 Personal Privacy (PP) and youngest daughter, who is Ex. 6 Personal Privacy (PP) old. My mother, who now is Ex. 6 Personal Privacy (PP) and uncle, who now is Ex. 6 Personal Privacy (PP) old, live on property that is directly next door to mine at Ex. 6 Personal Privacy (PP)
7. All of this land that my family lives on in the Ashurst Bar/Smith area has been in our family for generations. My great-grandfather first came to Tallassee from South Carolina in 1813 and thereafter acquired—incredible then as it is now—about 600 acres of land through federal land grants for farmers. This land has passed down in our family ever since, and my siblings and I currently own about 145 acres (documentation attached).
8. The close connection that my family and ancestors had to this land has been negatively impacted by the operation and expansion of the Landfill.
9. I remember that the Landfill first opened around 1980 when I was a young adult. It started out as a small brush dump and eventually was purchased and expanded upon by a waste management company sometime in the mid-to-late 1990s. I recall that it closed in the late 1990s to the early 2000s because it was not properly designed. I can only imagine what we, as Ashurst Bar/Smith community members, were exposed to in terms of health hazards during the initial operation of the Landfill. On or around 2000, the Landfill came under new management and proposed to reopen without the community's knowledge or a proper assessment of the social, environmental, or economic impacts to the affected majority-Black community. Since then, state officials have permitted the Landfill to expand and receive more and more garbage in our backyards, such that now we bear the burden of

living surrounded by garbage—asbestos to septic sewage—from every one of the 67 counties in Alabama and three counties in Georgia.

10. Smells from the Landfill are putrid. Because of the location of my house in relation to the Landfill (i.e., a valley separates my property from the Landfill), foul odors always reach my house whenever the Landfill's piles go above the tree line. These odors emanate from the Landfill daily because the Landfill does not have a practice of covering up its piles of trash. Only when the Landfill caught wind in 2015 that the community was pursuing legal action did it seem to sporadically cover up the piles of trash.
11. In addition, there is an enormous methane flare on the southern side of the Landfill that flames pretty much all the time.
12. Because of the foul odors, I often refrain from sitting with my family members in the rocking chairs on the front porch of my house or hosting outdoor barbeques with my family.
13. We used to report odor complaints to the Alabama Department of Environmental Management (ADEM), but gave up once we realized that filing complaints with ADEM was useless because nothing would happen. Again, only in 2015, when the Landfill caught wind that we were involved in legal action, did the Landfill begin to cover up its piles of trash, which occasionally mitigates the foul smells. In addition ADEM has permitted the Stones Throw operation to use a tarp to cover the garbage instead of the normal 6" of compacted soil over two feet of compacted garbage. I have photographs that show that the tarp is full of holes, covered with vultures and too small to cover all of the garbage.
14. In my opinion, most of the time the Landfill deliberately fails to cover up its trash so that the bad smells lessen the quality of life in the surrounding community, running Black residents out of the community, like it successfully did with the Cunninghams, so that the Landfill can just buy up more property and expand.
15. Another byproduct of the uncovered trash is that vultures hover over the Landfill and perch on our roofs and feral dogs roam throughout the area. Indeed, the Landfill has brought a tremendous increase in vultures, as well as crows and feral dogs. This increase in vermin, some of which might be carrying diseases, has been going on for years. I have seen vultures roost on top of people's houses by the hundreds.
16. Our community is deeply concerned that the Landfill may be contaminating our environment and impacting our health. But no government officials have tested the air, surface water, groundwater, or soil for contamination, or at the least they have not notified me or any other community members with which I am aware of any findings.
17. Prior to the Landfill operating in our community, we lived off of private wells and had no water quality issues or problems. Private well water was fine water. However, when the Landfill was first acquired, everyone was switched over the public county/city water, which they have to pay for. I recall that on or around August 2000, tests were done of our water and an investigation found that water from one of the underground springs that people were drinking contained arsenic, toluene, and lead. Currently, the private wells are still open, but no one from the county health department has conducted inspections on the wells.
18. I have spoken with a landowner near the Landfill, who is about Ex. 6 Personal Privacy (PP) who has a herd of cattle that will not drink out of the stream, so the landowner uses city water to water/nourish them. This landowner's practice seems reasonable, particularly given that in 2003 or 2004, the manager of the Landfill (then named the Sunflower Landfill) advised

me not to eat the food growing in the area or use the water to water plants due to contamination.

19. Ex. 6 Personal Privacy (PP) where I live, is a short spur off of Highway 49, one of the main roads used to transport garbage to the Landfill. The roads leading to the Landfill are very curvy, poorly maintained, and not suitable for the constant flow of semi-trucks going to and from the Landfill. There are three substandard (for high volume tractor trailer traffic) bridges from I-85 along State Road 49 around the Landfill that are not wide enough for these garbage trucks and other vehicles to pass safely at the same time. In addition, traffic often starts as early as 4 a.m. in the morning, even though the Landfill is supposed to be open only at 6 a.m., and noise from the traffic can last until 7 or 8 p.m. When the trucks are loading the waste into the Landfill, I can constantly hear the beeping of the trucks backing up and other noises from the Landfill's operation from my home. All this noise is distracting and a nuisance since our community is rural and we relish the peace and quiet. Only when the Landfill caught wind in 2015 that we were pursuing legal action, did it cut back on the hours when the trucks started and ended their work at the Landfill. If the lawsuit goes away, I believe that the trucks will probably start operating as early and as late as they have in the past.
20. The trucks are driven in a manner that puts the health of our community at risk. The trucks frequently drive considerably faster than the posted 25 m.p.h. speed limit, and sometimes run other vehicles off the road. Trucks have run me off the road too. At one point, I know a truck turned over in front of a house on Ex. 6 Personal Privacy (PP) and caught on fire. Only when the Landfill caught wind in 2015 that we were pursuing legal action did it seem that truck traffic on the local roads slowed down, at least for a brief period of time.
21. The Ashurst/Bar Smith community was created through pioneering Black landowners like my ancestors, who created some tight-knit community rich in culture and heritage. I am deeply concerned that the ever-expanding Landfill will do away with the hundreds of years of history here.
22. Given my concerns for my family and that of other Ashurst/Bar Smith community members because of the operation of the Landfill, I am a leader in the Ashurst Bar/Smith Community Organization (ABSCO). ABSCO's mission initially was to prevent the re-opening of the Landfill. For example, in the late 1990s and early 2000s, ABSCO was led by a steering committee of more than ten people, including my parents, Gale Gaunt, Phyllis Gosa, and others represented about more than 100 adults and at least half as many children who lived near the Landfill (then operating as the Tallassee Solid Waste Disposal Center). Since then, ABSCO's mission has been to challenge any expansions of the Landfill and protect against the harm caused by the Landfill in the community.
23. I am angry and saddened by the reality that our remarkable Black majority community bears the effects of the Landfill, when it already is overburdened by lack of opportunity. I think it is not by accident that the Landfill is allowed to operate in proximity to a majority Black community. I am learning that other Landfills and businesses that threaten environmental and health hazards are permitted to operate in other Black majority areas in Alabama like Dothan, Uniontown, Birmingham, etc. These dumps are in our Black communities because our state leaders believe that we cannot defend ourselves.
24. I am disappointed that state officials, from ADEM and Tallapoosa County officials to the state legislators who represent us, have taken *no* responsibility for siting this Landfill in our community and utterly failing to consider the effects of the Landfill on our lives. In

fact, one of ADEM's former directors, Trey Glenn stated publically that we (implying black and aged people) were not intelligent enough to be in the same room with ADEM officials, and that ADEM did not want to hear anything about Environmental Justice, and did not want to hear anything about Title VI.

25. It is for all of these reasons that I and ABSCO continue to do everything in our power to provide information in support of the 2003 complaint under Title VI of the Civil Rights Act with the Office of Civil Rights of the Environmental Protection Agency against ADEM related to its permitting of the Landfill in our community, which my fellow ABSCO leader, Phyllis Gosa, filed. For example, I have taken measurements and pictures of the swamps and beaver ponds covered in silt from the Landfill and sent those photos to the EPA OCR and ADEM. EPA OCR responded that it would look into it, though I was not notified of the results. ADEM tried to correct the wetland violations subsequently only because we complained.
26. What we are experiencing is a violation of our civil rights. What we are asking for is protection. What I will continue to do is add my voice to chorus of complaints in opposition to the landfill in our community.

Executed on 22 day of August 2016.

Ex. 6 Personal Privacy (PP)

Property Record Card						Print Close
Parcel Info						
Parcel Number		Account #		Exempt	AMENTITES X ROAD X TOPO X ELEC WATER X GAS X	
2507350000009000		357010		N		
Subdivision	009999-N/A					
Neighborhood	--					
District	City	S-T-R	Acreage	Lot Size	Deed B/P	
01	00	35-18N-22E	39	0 X 0	B-00DC24 P-001763 D-11/20/2007	
Legal	S4 OF NE4 SEC 35 T18 R22					

Owner			
Name	Ex. 6 Personal Privacy (PP)		
Mailing Addr	Ex. 6 Personal Privacy (PP)	Physical Addr	

Values	
Land Total:	\$58,500.00
Building Total:	\$0.00
Appraised Value:	\$58,500.00
Yrly Tax:	\$179.7 for 2016

Land																			
AC#	CL	EX	PEN	TYP	AC	TOT-AC	SCHED	PRICE	ADJ	ADJ	ADJ	ADJ	PREV_APPR	APPR	CURR-USE	BOE	ASSESSED	PEN	VAL-ADON
1	3	N	N	F	39	39	CC2B	1500	0	0	0	0	58500	58500	0	0	5860	0	0

Property Record Card						Print Close
Parcel Info						
Parcel Number		Account #		Exempt	AMENTITES X ROAD X TOPO X ELEC WATER X GAS X	
2507250000009000		356990		N		
Subdivision	009999-N/A					
Neighborhood	---					
District	City	S-T-R	Acreage	Lot Size	Deed B/P	
01	00	25-18N-22E	35	0 X 0	B-00DC24 P-001764 D-11/20/2007	
Legal	SW4 NW4 EXC E 165'(S). LESS & EXC: BEG @ THE NW COR OF SW4 OF NW4 OF SEC 25; TH E 50.07'; S 209.86'; W 50'S N 209'S' TO POB.					

Owner			
Name	Ex. 6 Personal Privacy (PP)		
Mailing Addr	Physical Addr		

Values	
Land Total:	\$52,500.00
Building Total:	\$0.00
Appraised Value:	\$52,500.00
Yrly Tax:	\$161.3 for 2016

Land																			
AC#	C	E	P	T	AC	TOT-AC	SCHED	PRICE	ADJ	ADJ	ADJ	ADJ	PREV_APPR	APPR	CURR-USE	BOE	ASSESSED	PEN	VAL-ADON
1	3	N	N	F	35	36	CC2B	1500	0	0	0	0	52500	52500	0	0	5260	0	0

Property Record Card						Print Close
Parcel Info						
Parcel Number		Account #		Exempt	AMENTITIES X ROAD X TOPO X ELEC WATER X GAS X	
2507260000001000		528600		N		
Subdivision	009999-N/A					
Neighborhood	--					
District	City	S-T-R	Acreage	Lot Size	Deed B/P	
01	00	26-18N-22E	33	0 X 0	B-232440 P-000000 D-08/14/2007	
Legal	BEG NW COR OF SE4 OF NE4; TH S 2660'; E 660'; N 1320'; W 240'; N 1320'; W 420' TO POB.					

Owner			
Name			
Mailing Addr	Ex. 6 Personal Privacy (PP)	Physical Addr	

Values	
Land Total:	\$49,500.00
Building Total:	\$0.00
Appraised Value:	\$49,500.00
Yrly Tax:	\$152.1 for 2016

Land																			
AC#	CLEX	PEN	TYP	AC	TOT-AC	SCHED	PRICE	ADJ	ADJ	ADJ	ADJ	PREV_APPR	APPR	CURR-USE	BOE	ASSESSED	PEN	VAL-ADON	
1	3	N	N	F	33	33	CC2B	1500	0	0	0	0	49500	49500	0	0	4960	0	0

Property Record Card						Print Close
Parcel Info						
Parcel Number		Account #		Exempt	AMENTITES X ROAD X TOPO X ELEC WATER X GAS X	
2507260000002001		469540		N		
Subdivision	009999-N/A					
Neighborhood	---					
District	City	S-T-R	Acreage	Lot Size	Deed B/P	
01	00	26-18N-22E	34	0 X 0	B-264202 P-000000 D-03/26/2011	
Legal	COM @ THE NE COR OF SEC. 26; TH S. 597.61' TO THE BEG; TH CONT S 640.4'; W 2675.1'; TH N 54.01' TO THE E RW OF [Ex. 6 Personal Privacy (PP)]; TH NE ALG RD 677.08'; TH E 2250.15' TO POB S26 T18 N R22 E					

Owner			
Name	[Ex. 6 Personal Privacy (PP)]		
Mailing Addr	[Ex. 6 Personal Privacy (PP)]	Physical Addr	[Ex. 6 Personal Privacy (PP)]

Values	
Land Total:	\$85,000.00
Building Total:	\$22,400.00
Appraised Value:	\$107,400.00
Yrly Tax:	\$325.6 for 2016

Building							
	Bldg No	Use Type	Yr Built	Base Area	Upper Area	Story	Appr Value
Detail	1	0111	1920	1428	0	1	\$22,400.00

Land																			
AC#	CLE	PEN	TYP	AC	TOT-AC	SCHED	PRICE	ADJ	ADJ	ADJ	ADJ	PREV_APPR	APPR	CURR-USE	BOE	ASSESSED	PEN	VAL-ADON	
1	3	N	N	F	34	34	BB2B	2500	0	0	0	0	85000	85000	0	0	8500	0	0

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

STONE'S THROW LANDFILL

Methane Flare

Methane Flare

